

reentry, who can talk about their own personal experiences. The issues that will be addressed include family reunification, LFOs, employment, education, and housing. There will also be a positive aspect built in. We've invited individuals around our state that are doing good work in reentry, and we will end the symposium on that note.

There was a question about whether we have thought about getting publicity around the symposium. Particularly with the recent failures and disappointments from legislation that we've been sponsoring or supporting, getting the word out on reentry issues is really critical.

Response: The Administrative Office of the Courts' communications team has always been happy to help out with a press release to get publicity around the event. We will also connect with TVW to make sure that it is recorded and preserved. The only reason we've gotten so much national air time on the last Symposium on youth is because it's been preserved, in some fashion, people are able to access it all the time, so we are going to try to do that again.

Focusing on reentry is timely. It is a serious disproportionality issue, and the focus is really on people, not just on the justice system, but how people reconnect with our communities. Hopefully we can be leaders in this area and invite others to open up the conversations.

PERCEPTIONS OF JUSTICE

We had been living with the study since 2012, and we have to give Cynthia a lot of credit for helping us take the study and bring it to life with our judges. Some of you have met Greg Taylor who has been to prior Minority and Justice Commission meetings. Mr. Taylor is working with us to try to deliver the message of the study to judges around the state. There was an opportunity to put together the presentation for the appellate judges, superior court judges, and district and municipal court judges. It has really been taken off of the shelf and made relevant in terms of connecting it to issues today about implicit bias and the question now that Ferguson has raised about some institutional practices.

Justice Stephens, who helped work on the Appellate Judges' Conference, gave a report on evaluations of the Perceptions of Justice training. Justice Stephens had been working with Cynthia and Greg Taylor for quite a while leading up to the Appellate Judges' Conference looking at different approaches. The program came off so well that her only regret was that they didn't get an additional hour. Greg Taylor is a gifted trainer, and even with the appellate judges who are hard on evaluations, Greg's presentation topped Professor Chemerinsky's presentation on the U.S. Supreme Court update. His scores were nearly perfect. That is how well he was received. What makes the program amazing is putting a face on the data and some implications, but really just unpacking a lot of implicit bias issues. There's a lot around Blind Spot which was co-authored by one of the creators of the implicit association test, a professor at the University of Washington. He uses some great group exercises involving the use of responders. The thing that was so extraordinary is that it does not soft pedal the issue. Greg has such a nice style and touch that he was able to take on the larger systemic issues, as well as the real problem in how bias plays out in such a way that everybody could hear it, explore their own bias, and have a discussion about it. We will have to see how it goes with the trial court judges - they are the ones who are on the front line dealing with the issues in a different way. It is nice to finally have a way to utilize the study that makes sense.

MEMBERSHIP & CO-CHAIR APPOINTMENT

The history behind the establishment of co-chairs was that there were always two co-chairs from the Supreme Court, Justice Johnson and Justice Smith. When Justice Smith stepped down, there was a question about what would happen with the co-chair position. There were

people who wanted to shift the Commission to a different creature, and it was a novel idea that maybe a co-chair would be a trial court judge. Judge Yu was a trial court judge at the time and it was a way for her to step into a leadership role and maybe drive the Commission in a different direction, and that is what happened. Justice Yu's term is up now and so the question becomes, what should we do? The Commission established the protocol and process for the co-chair to be a recommended appointment by the voting power of Commission membership.

Justice Johnson recommended to keep Justice Yu in the position as co-chair and for the Commission to vote to reappoint, reauthorize continued acting as co-chair of the Commission for the next period of time.

We are in a bit of an interim period right now about what to do and how to do this. At some point we need to go back to the model of having a Supreme Court justice and a trial court judge because it is a good model. It is a way to continue to move this Commission in the direction that it ought to be, in touch with trial court judges.

There was a question about whether the bylaws would allow for a third co-chair, a provision where we could consider where a person from the trial court could join the leadership team. Currently, the bylaws just call for co-chairs. However, the bylaws are not fixed in a way that we could not change to make accommodations. This is something that we have to take a look at. We will look at our bylaws and bring something back to this body at the next meeting to open up that discussion and explore some alternative ways about convening and governing ourselves.

We should think about an executive committee that would also involve a non-judge. One of the problems in early years was that judges completely dominated to the extent that lawyers were almost not heard, including non-lawyer members. It would be a good idea to have some kind of executive committee that could consult with the co-chairs and bring a perspective not just from the trial court but from lawyers who represent clients and from other folks who work with the clients who come to court. We should think about having more diversity in the leadership. An executive team is another idea to discuss as part of the membership and co-chair discussion.

It would be helpful if we could look into different governing structures so that we could think outside of the box. One thing that we do not want to create is a hierarchy that begins to just get concentrated power to an executive committee. We should explore a governance structure that has a beginning and an end for everybody, that really reflects the body. Everyone is pushing to have more and more folks that are outside the judicial branch to join us here because of the conversations we are having. We are willing to look into this. Bob Boruchowitz offered to help. It was mentioned that this might be a good project to have students work on.

Newly Appointed Members

Annie Lee has been with the Commission for a long time and has headed up our juvenile justice subcommittee. We have been trying to figure out how many members we had and it was discovered that Annie was never formally appointed to the Commission, so we had Annie formally appointed to the Minority and Justice Commission.

We have been seeking representatives from the District and Municipal Court Judges' Association. Judge Alicea-Galvan was our only judge from the DMCJA, but is now in superior court, and while she will stay with us on the Commission, we need to fill the slot for a DMCJA judge. The process of selection is to first approach the Association and ask them to select a representative(s). Cynthia said there were a number of DMCJA judge applicants, which is a

good indicator, not only of interest among the district and municipal courts, but it also says a lot about our visibility in terms of people finally seeing us doing something that is worth spending time on. It is within the DMCJA's prerogative to pick who their representatives are going to be, but we just wanted to let the Commission know that it is wonderful that they have a lot of people who have said they wanted to serve.

There was a question about the number of superior court judges who are on the Commission and whether there is room for more voices from the district court judges. It was agreed that it is important to have more voices from DMCJA judges, and maybe particularly someone from Eastern Washington. We have requested two slots for sure from DMCJA and then we will invite any other judges to join us in an at-large capacity.

We should also consider having a representative from the Office of Public Defense. We should also try to get a juvenile court commissioner.

Another idea was to get someone from the media. There are a number of areas that we are covering on this Commission. Perhaps someone with media experience could give us some insight on how to approach things. There are some very good writers that might be interested in the work of this Commission. The question was how do we approach someone from the media? Maybe we could invite the individual to at least a couple of our meetings to see if there is interest. We wouldn't want them to do it if there is a conflict in any way, that they could not write and criticize us as well if ever necessary, but it would be great to see if they were ever interested in attending. The media plays a large part in shaping how people perceive things and it would be really helpful for us to have a person familiar with the media who can share that insight with us. Judge McCullough said he would follow-up with this individual and invite him to one of our future meetings.

The challenge when we spread out is to have a clear understanding of how they will fit into our discussions, and what direction we want this Commission to go in. Before we expand we need to do it in a thoughtful and focused way. Bring the ideas, but then we need to work them out first to make sure it is a good fit for our Commission. We have to be cautious about creating too large of a group to wield any influence in any particular area. Expansion is a good thing, but we just have to know how we can assist and how they can assist us.

BUDGET

A copy of the budget was given to all of the Commission members in attendance. We are asking for Commission members to submit any ideas for funding projects. The reason why is that we have underspent in some areas. We are likely to spend more than what is allocated for the Symposium, but there will still be excess funds left to be spent. Justice Yu made some suggestions to Cynthia about something we could do with the judges, and we're going to be exploring that in terms of building off of the model that is being used in King County to get some book studies with judges around the state and possibly help them out with that. The project must be able to be completed by the end of June. If you already have something going on that money could be spent on before the end of June, email Cynthia and it will be presented to the co-chairs for consideration. It is important that we are using all of the funds we are allocated to advance our mission.

Any project that can advance the mission of this Commission will be taken under consideration. What we're doing is just asking for submission of requests to Cynthia. We will sort through them and if we have to communicate with folks, we will be communicating by email in terms of

getting input, but we feel that is very important to not leave funding on the table at the end of the fiscal year. Get your ideas and costs to Cynthia by no later than May 1, and she will bring them to the co-chairs and they will make a decision on whether to approve or not.

One event that is coming up is the National Consortium on Race and Ethnic Fairness in the Courts, to be held in Buffalo, NY, on June 10-13. Justice Yu and Justice Johnson are unable to attend because of the court schedule. Cynthia and Danielle are not able to go because of the ATJ Conference in Wenatchee and our Commission meeting that is being held out there. Judge Smith is going to look at her calendar and see if she can attend as a representative of our Commission. If anyone else wants the information please talk to Cynthia. We've always had a presence at the Conference. Justice Smith, when he was on the court, helped start the Consortium. Justice Johnson was on the board for a number of years, and tries to attend as his schedule allows. It is a good group of people, all very interested in addressing racial bias in the courts. It is an opportunity to see what is going on nationally and get some ideas and bring them back to our table.

One idea is to use some of the excess funds from this year for materials used in the youth and justice forms that we know will happen next year. We might want to have something to hand out and distribute at the Apple Education Scholarship programs.

One thing to put on your radar is that for the next biennium, the court and the AOC is not favored by the Senate. They have made a big proposed cut to our appropriation requests. It is not an uncommon experience but it requires us to really lobby to get our funding. This includes not only the Supreme Court and the Court of Appeals budget requests but also AOC's. We've got a good plan led by the chief justice in trying to get the funding restored. We will keep you informed, but hopefully we'll have a next biennium budget to work with, and I am confident that we will, but it always seems to be the normal occurrence in the two-year appropriations cycle, and it has happened again.

Another item that was brought to the Commission's attention was a request to the court to increase the amount people are fined for civil infractions. We wanted to get a sense of where Commission members were on the issue. The Supreme Court under IRLG 6.2, has power to exercise authority to establish infraction amount levels. The infraction amount has not been raised for about 8 or 9 years, and the proposal is to increase infraction amounts across the board by \$10-12. The difficulty of the question is that the JISC, that involves necessary updates to the courts' technology, would be funded by the increase. We also know that right now there are various views about how to fund the courts, but there is always pressure on local counties and the users to be funding things that ought to be funded by the state. It is a scenario that is set up as a bad proposition to begin with. The other component is that this is an effort being driven by the Office of Public Defense, so it is not like this request is coming from the court. It is a very tough issue and question that we are not raising for debate, but rather just for notice that this is happening. Anyone is free to lobby the justices on this issue because letters are already coming in from the Superior Court Judges' Associations and District and Municipal Courts. It is public information that there is a request out there.

The discussion and decision will be made during the justices' en banc meeting where they will be voting. We are not here to advocate a view, but we do encourage people to be informed and to look into the issue.

Someone commented that infractions are imposed disproportionately on poor people and persons of color. There is research that supports that. While this issue may be of interest to the

Commission, we will not be taking a position. This is something that we should be aware of, that this is something the court has the power to do. We will put materials up on the Minority and Justice Commission's website for those who are interested in looking into the issue on their own.

COMMITTEE REPORTS

Outreach Committee

The Outreach Committee has been working on the selection of a poster for this year. The poster program has been a part of the Commission since its inception. How it works is the Commission adopts pieces of art annually by a northwest artist that capture the diversity of the communities that we serve, and also reflects the work that we do. The art that we adopt is published in posters and distributed to courts across the state and made available to the public. It is also featured on the Commission's website. We've found that these posters are really impactful in courtrooms, judges' chambers, public areas, private law offices around the state, and there is a lot of interest in obtaining them. All of the posters have the title, Washington State Minority and Justice Commission, and then acknowledgement of the contributing artist.

There has been a hiatus for a couple of years where we have not selected a piece. The last one was "We Are America" by Mr. Doggett, a Seattle artist. This year we have been in contact with Ashby Reed, and he has agreed to donate the publication rights to his piece, "Urban Despair." Mr. Reed is one of the founders of an organization called the Onyx Fine Arts Collective, which is a collective of artists of color, primary African American. He was very interested in the Commission and the Commission's work, and he was very interested in contributing something or finding someone else in the collective that could contribute to the program. Judge Yule sent him some posters that we have used in the past, and he was interested in offering one of his pieces.

The Outreach Committee looked over all of the pieces that Mr. Reed was offering and chose "Urban Despair" because they thought it fit with the current events we have been experiencing across the country. Mr. Reed prepared an artist statement about himself and the piece. He says "the hoodie has become a protest symbol that makes an unprecedented statement about injustice and uneven law enforcement," and "I hope now to cause this thoughtful conversation as we continue to watch current events play out month after month."

The plan is to formally introduce the new poster at the Commission meeting in Wenatchee in conjunction with the Access to Justice Conference. Mr. Reed has agreed to attend the conference and bring the original artwork so that it can be displayed along with a framed copy of the poster at the Commission's table at the Access to Justice Conference.

There was concern about the despair and victimization that is portrayed in the piece that was selected and a suggestion that maybe we should choose an artwork that was not as disparaging or discouraging. Negative images of youth of color are all that we see the media, and it is hard to find the road we want to go verses where we are. We should strive to maintain the balance of where we are and where we want to go. What has been learned in working with youth is that they're tired and discouraged about how they're currently portrayed. Maybe there is some way to have a contrasting positive image of youth.

Procedurally, it is too late to change the piece. However, we need to find a resolution because this will be a Commission distributed image and so we need to think about whether the push back on the negativity of the piece might be sending a wrong signal from the Commission.

Others commented on the piece that they don't think it is depressing, but they see it more as a conversation starter and that it is very fitting for the times we are experiencing right now. The happy, more positive artwork we have used in the past are nice but they don't spark a conversation.

Another comment was that it represented a necessary acknowledgement. There cannot be reform or change until we first acknowledge that there is despair or that there is a need for change. Right now, with everything that has been happening, it is so important that we as a Commission acknowledge that there is a need for change. It is the perfect picture for the timeframe that we are in at this moment in history.

Who is the audience? If the audience is young people, then maybe we need a more cheerful picture. If the audience is decision makers in the community that we want to communicate with, and we want to let them know that there is this kind of despair out there, then this is the right picture. The audience is the general public, however the primary consumer has always been judges. This piece would send the message to people coming in to court that we acknowledge the despair, the issues facing people of color, and we're trying to do something about it.

One of the hardest things that I think stakeholders have a problem with is talking about race at all. The fact that we are actually discussing that through this painting shows that there is a really powerful message conveyed in it. Whether we want to send a positive message or a different sort of message, the fact is that this has actually got a room full of people talking, which has not been my experience with all the other wonderful pieces that we've seen published by this Commission in the past. That says more than what kind of message we should be sending. When we saw the conversations about racial impact statements in the legislature this year, it was clear that they were not comfortable having those conversations either. I think it is time for us to be in that place where we're able to have the difficult conversations, and if that's what the painting is doing, then I think it is the right one.

The Commission was asked to take a vote on whether or not to approve the painting. A majority of the Commission members present voted to approve. It was asked that if there was a statement from the Commission that went with the posters, that puts it in the context of the intent being to being a tool for discussion and education, might it help? The painting is intended to turn what we are experiencing into conversation and to encourage conversations that nobody has wanted to have. It would include an acknowledgement that the painting portrays the reality of despair that youth of color and people of color feel unless and until we start having these important conversations about race. It is meant to provoke a conversation that has not been provoked in a long time.

One method that was suggested was to use a QR code, something that makes it an interactive and educational piece. It could take people immediately where they need to go for resources for taking the conversation to the next level.

People are encouraged to work with Judge Yule and the Outreach Committee if they would like to help shape the message that will go with the artwork. They are on a tight schedule because it is going to be unveiled in June. We would like to thank the artist and invite the artist to

present a contrasting piece, either to be offered for the next year, or something that could be a companion piece with it.

PRESENTATIONS

Individuals and organizations from Seattle University School of Law were invited to join in a discussion around ways that the Commission can respond to some of the systemic issues that were raised by the recent events in Ferguson and all around the country. There were a number of groups and individuals who presented to the Commission, including students from the Black Law Students Association (Manal Al-ansi & Miguel Willis), Seattle Journal for Social Justice (Breanne Schuster), Latino/Latina Law Students Association and Student Body Association Diversity Representative (Yessenia Medrano-Vossler), Social Justice Coalition and Outlaws (Laila Khalil), Professor Bryan Adamson, and from the Racial Justice Leadership Institute (Diana Singleton). There was also a presentation from Professor David Domke from the University of Washington's newly established Center for Communication, Difference, and Equity.

Some of the issues raised and recommendations discussed by the presenters included:

- Recognize and acknowledge institutionalized racism and begin to speak out about it.
- Require race and poverty course work for law students. Suggested classes/training include critical race theory and poverty law.
- Develop a better plan for police accountability and culturally informed training for law enforcement.
- Law student participation and representation on the Commission.
- Continued training in understanding the manifestation of racism and undoing racism.
- Limit need for police in our communities.
- Encourage community cop watch programs.
- Support in the creation of a community entity led by families directly affected by police violence.
- Change required plea colloquy.
- Support racial justice leadership in the law schools and support more social justice critique in the classrooms.
- Look into the policy and practice of legal financial obligations in Washington State.

A copy of the recording of the presentations may be provided upon request.

NEXT COMMISSION MEETING: June 12, 2015

The next meeting is scheduled for June 12, 2015, from 11 a.m. to 3 p.m. at the Wenatchee Convention Center.